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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-200421

DATE: June 8, 1982

MATTER OF: William R. Clayton -- Reconsideration -
Wife's house-hunting trip

DIGEST: Employee requests reimbursement for his wife's house-hunting trip even though his original travel order did not authorize dependent travel on that trip. At the time the employee started his house-hunting trip he was single, marrying enroute to his new official station. In advance of travel, employee requested amendment of travel order so as to include authorization for a house-hunting trip for his future wife. His agency's refusal to act on his request is not administrative error. Since agency never authorized his wife's travel in advance, he is not entitled to reimbursement for his wife's expenses.

Mr. William R. Clayton, an employee of the Defense Investigative Services (DIS), Department of Defense, requests that we reconsider our decision William R. Clayton, B-200421, July 20, 1981, in which we denied his claim for his wife's house-hunting trip expenses. Since only Mr. Clayton and not his wife was authorized a house-hunting trip at Government expense, we affirm our decision to deny Mr. Clayton reimbursement of his wife's travel expenses.

The facts were fully stated in Clayton, supra, and will only be briefly restated here. By travel orders issued July 3, 1980, Mr. Clayton was authorized round-trip travel from Washington, D.C., to San Francisco, California, for the purpose of a house-hunting trip. The travel order indicated "Not Authorized" in the space concerning dependent travel, as Mr. Clayton was single at the time.

Mr. Clayton departed on his house-hunting trip from Washington, D.C., on August 2, 1980. He arrived in San Diego on the same day whereupon he was married. On August 4, 1980, Mr. Clayton and his wife left San Diego for San Francisco.

The period of August 4, 1980, through August 6, 1980, was used to seek a permanent residence. After being on leave from August 7, 1980, through August 22, 1980, Mr. Clayton and his wife returned to Falls Church, Virginia, from San Diego.

We denied Mr. Clayton's claim for his wife's house-hunting trip expenses because no authorization for a house-hunting trip was ever granted for Mrs. Clayton, and because retroactive determinations of entitlement to house-hunting trip expenses are generally not allowed.

In requesting reconsideration, Mr. Clayton states that on July 21, 1980, he advised the DIS Personnel Office of his forthcoming marriage and requested that his travel orders be amended to include authorization for his wife's house-hunting trip. He says that he did not receive a written reply from Personnel but he was informed his request had been referred to the Chief of the Accounting Division. In view of the fact Mr. Clayton was to be married after his departure on the house-hunting trip, Mr. Clayton was advised that there was doubt as to whether or not he was entitled to reimbursement for his wife's house-hunting trip expenses. Mr. Clayton therefore, asks three questions, the first two of which are as follows:

"1. Since DIS had two weeks notice of my impending marriage prior to the house-hunting trip, does their withholding a decision pending the Comptroller General ruling (which influenced me to proceed with the trip as planned) amount to administrative error?"

"2. Was the DIS action of withholding a decision, pending the Comptroller General ruling a tacit informal authority for my wife's househunting trip?"

Paragraph 2-4.3c of the Federal Travel Regulations, FPMR 101-7 (May 1973), expressly requires advance authorization for house-hunting trips. In an analagous case we have held that the failure of an employee's supervisors to obtain proper authorization from appropriate officials for a house-hunting trip cannot be construed to be an administrative error whereby an exception to the regulatory requirements may be granted. B-179449, November 26, 1973. Accordingly, the failure to obtain advance authorization here was not the result of an administrative error. Administrative errors which may be retroactively corrected by subsequent authorization are those in which the failure to grant an advance

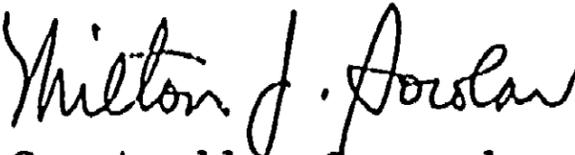
authorization does not comport with the specific intent of the appropriate authorizing official, B-179449, supra. In this case there is no indication that the official with authority to approve house-hunting expenses would have authorized Mrs. Clayton's trip at the expense of the Government. Since the only indication of administrative intent is the specific statement on the original travel order that dependent travel for house-hunting purposes was not authorized, and since that designation was not modified by the appropriate authorizing official prior to the travel, there is no authority to now change the travel orders to retroactively allow Mr. Clayton's wife's travel. Questions one and two are answered in the negative.

Mr. Clayton's third question is as follows:

"3. Your decision (B-200421) in this case states '- - -the applicable regulations do not authorize a retroactive determination of entitlement to househunting trip expenses.' Do the applicable regulations preclude or prohibit such a retroactive determination of entitlement in situations other than those identified in your decision. I submit that the circumstances of my case are unique and individual."

As we stated in Clayton, above, there are only two exceptions to the rule that the absence of advance written authorization is fatal to an employee's claim for house-hunting expenses. The first exception, where an administrative error has taken place, has already been shown not to have occurred here. The second situation exists where a subsequent written expression of authority is merely an affirmation of advance verbal or other informal authority granted by an official properly vested with authority to grant entitlement to a house-hunting trip. The record shows that no advance oral authorization was granted.

Therefore, since the official with authority to grant entitlement to a house-hunting trip did not specifically do so in advance, Mr. Clayton may not be retroactively authorized Mrs. Clayton's house-hunting trip expenses.

for 
Comptroller General
of the United States